

AMENDING THE COMMUNICATIONS ACT OF 1934, AS AMENDED,
SO AS TO REQUIRE THAT CERTAIN VESSELS CARRYING PASSEN-
GERS FOR HIRE BE FITTED WITH RADIOTELEPHONE INSTALLA-
TIONS

JUNE 19, 1956.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. MACDONALD, from the Committee on Interstate and Foreign
Commerce, submitted the following

REPORT

[To accompany H. R. 7536]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 7536) to amend the Communications Act of 1934, as amended, so as to require that certain vessels carrying passengers for hire be fitted with radiotelephone installations, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

Page 2, line 3, strike out "ship" and insert "vessel".

Page 2, line 12, strike out "ship" and insert "vessel".

Page 2, strike out lines 16 through 21 and insert in lieu thereof the following:

SEC. 383. The Commission shall exempt from the provisions of this part any vessel, or class of vessels, in the case of which the route or conditions of the voyage, or other conditions or circumstances, are such as to render a radio installation unreasonable, unnecessary, or ineffective, for the purpose of this Act.

Page 2, lines 22 and 23, strike out "for any ship" and insert ", with respect to any vessel".

PURPOSE OF LEGISLATION

The purpose of this legislation is to amend the Communications Act of 1934 to require United States vessels transporting one or more passengers for hire and navigating in the open sea, or on any tide-water within the jurisdiction of the United States adjacent or con-

tiguous to the open sea, to carry a radiotelephone installation meeting requirements of the Federal Communications Commission.

NEED FOR LEGISLATION

The legislation is needed to protect life and property. Instances of tragedy or near tragedy resulting from the absence of radio communications have never been out of the news in recent years. One recent incident was the case of the vessel *Pilgrim Belle*, which struck a rock in Boston Harbor on June 22, 1955. On board were 272 passengers, mostly teenagers, on an outing. Immediate help was needed. It was unavailable because the *Pilgrim Belle* had no radio in operation. The captain managed to run the ship aground on Spectacle Island. Fortunately, people on that island were able to call for help and other vessels arrived in time to rescue all on board. Except for the fact that fortunately the vessel was able to wallow to shore before sinking, this outing would have ended in tragedy.

Passengers on the larger vessels which sail the high seas already have legislative protection which would be extended by H. R. 7536 to passengers on smaller vessels for hire.

Marine radio communication has proved to be of such importance to safe operation that every year an increasing number of small craft, both privately owned pleasure craft and commercial fishing craft are voluntarily adding radio telephones.

The modern radiotelephone is now reliable enough and simple enough to use so that a person without technical training can learn to use the equipment in a few minutes.

Despite the fact that many thousands of owners are voluntarily equipping their vessels with radiotelephones, there remains an important gap which this legislation would close. Witnesses at hearings held by the Subcommittee on Transportation and Communications said that approximately 7,000 vessels which carry passengers for hire on a permanent basis do not have radiotelephones.

It is not intended that the provisions of this legislation should cover all 7,000 of these vessels. For that reason, section 383 of this bill as introduced provides that the Federal Communications Commission may exempt vessels where conditions or circumstances are such as to render a radio installation unreasonable, unnecessary, or ineffective. The committee, by amendment, has strengthened section 383 to make it plain that the Commission not only may but shall make the necessary exemptions to take care of situations where a radio installation is not needed.

The committee was told that a radiotelephone installation of the type required would cost around \$600. Sets can be leased, also. These installations do not require the addition of a radio operator to the crew.

The committee was told that about 45,000 such sets are now in use, voluntarily installed. To require operators of vessels carrying passengers for hire to make relatively inexpensive installation, made voluntarily by 45,000 other owners, seems very reasonable and long overdue. Anyone operating a vessel for hire has a special moral obligation to take every reasonable precaution to protect his passengers.

Section 385 of the bill would require inspections by the Commission to insure compliance with the act.

Enactment of this legislation is needed to protect life and property and your committee urges favorable action in the public interest.

AGENCY COMMENTS

Attached, and made a part of this report, are comments of the Federal Communications Commission, together with letters from the Secretary of the Treasury and the Bureau of the Budget which are favorable toward the purposes of this legislation.

COMMENTS OF THE FEDERAL COMMUNICATIONS COMMISSION ON H. R. 7536

1. H. R. 7536 would amend the Communications Act of 1934, as amended, by addition of a new part III to title III so as to require United States vessels transporting one or more passengers for hire and navigating in the open sea or on any tidewater within the jurisdiction of the United States adjacent or contiguous to the open sea, to carry a radiotelephone installation meeting requirements of the Commission. The law would not apply to vessels equipped with radio installations complying with title III, part II of the act or the radio requirements of the Safety Convention.

2. Obviously, the intended purpose of the bill is to further the use of radio for safety purposes by requiring certain United States vessels not already compelled to be equipped with radio installations but who carry passengers for hire to be equipped with radiotelephone equipment.

3. The Commission's studies of ship-distress cases show that radiotelephone installations, such as would be required by the bill, have demonstrated their usefulness for safety purposes many times in emergency situations which occur on the open sea as well as on inland waters. The Commission is, therefore, of the opinion that legislation such as proposed would serve the purposes of safety. However, the Commission wishes to make certain observations which may be of assistance in consideration of the bill.

4. The bill provides no lower limit as to the size of the vessels which would be affected other than the ability to carry at least one passenger. Comparable lower limits in existing compulsory radio laws and treaties are as follows:

(a) Title III, part II of the Communications Act and the Safety of Life at Sea Convention, 1948, are made applicable to passenger ships carrying or certificated to carry more than 12 passengers in the open sea or on international voyages.

(b) The Agreement Between the United States and Canada for Promotion of Safety on the Great Lakes by Means of Radio is made applicable to vessels of more than 65 feet in length transporting persons for hire.

In view of the lack of lower limits, as explained above, the bill would apply to a great number of relatively small boats. Some of these may be so small or may be navigated in such circumstances that suitable radio installations may be impracticable or may not be effective due to the lack of other radio stations in the vicinity with which to communicate to obtain assistance. Although such cases may be

handled by suitable use of the relatively broad exemption provisions included in the bill, an appropriate lower limit might, it is believed, be statutorily established by confining the application of the bill to vessels required to be certificated by the Coast Guard to carry passengers for hire. Such a lower limit would facilitate administration and avoid application of the requirements to vessels under 15 gross tons.

5. The bill does not specifically require a qualified radio operator. Title III, part II of the Communications Act of 1934, as amended, the Safety of Life at Sea Convention, and the Great Lakes Agreement, each specify that in addition to the required radio installation, there also must be provided a qualified radio operator. Despite the failure of the instant bill to make a similar specific provision, it is believed that the Commission has sufficient authority under the existing section 318 of the act, which deals with radio operators for radio stations in general, as well as under the proposed section 384, to take appropriate action in this regard.

6. It is further noted that the bill does not make a specific provision for watch or listening requirements. Although other compulsory radio laws have uniformly provided expressly for this aspect of a marine radio safety system, it is again believed that authority which the Commission has under existing provisions of the Communications Act, as well as under the provisions of the instant bill, will suffice in this regard.

7. The Commission foresees no problems in administering such legislation as proposed except that engendered by the addition of numerous ship radio stations which the Commission must regulate and inspect to effect compliance. While the Commission has no precise data upon which to estimate the number of vessels that would be compelled to carry radio under the proposed legislation, it is believed that it would add in the order of 7,000 United States vessels as compared with approximately 1,800 United States vessels which are presently compulsorily equipped. It is further believed that a considerable number of such vessels would be located in Alaska, other territories of the United States, and locations in the continental United States where there are either no inspection facilities or where existing facilities would not be sufficient to do the job. Effective enforcement and administration of the legislation as proposed would, therefore, not be possible without a substantial increase in the Commission's regulatory and field inspection personnel and facilities.

Adopted July 27, 1955.

FEBRUARY 6, 1956.

Hon. J. PERCY PRIEST,

*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Reference is made to the request of your committee for the views of the Treasury Department on H. R. 7536, to amend the Communications Act of 1934, as amended, so as to require that certain vessels carrying passengers for hire be fitted with radiotelephone installations.

The purpose of the bill is to require any vessel of the United States, with certain exceptions, transporting any passenger or passengers for hire, navigating in the open sea or on any tidewater within the juris-

diction of the United States adjacent or contiguous to the open sea, to be equipped with an efficient radiotelephone installation in operating condition. The bill would authorize the Federal Communications Commission to regulate the radiotelephone equipment and its operation. The bill provides for penalties for failure to comply with its requirements.

The Treasury Department does not have primary administrative responsibility for regulation of radio equipment on vessels. However, the Department does, through the Coast Guard, have a deep interest in the improvement of maritime safety. It is considered that the requirements of the bill if enacted would result in greater maritime safety. The installation of radiotelphone equipment would permit more rapid handling of radio communications in the event of a distress incident at sea.

While the Bureau of the Budget has advised that there would be no objection to the submission of this report, it has further stated that it believes that a statutory provision limiting the coverage of the bill, similar to that in existing law, would be desirable in the interests of minimizing costs and expediting administration.

Very truly yours,

DAVID W. KENDALL,
Acting Secretary of the Treasury.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., January 31, 1956.

HON. J. PERCY PRIEST,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in reply to your letter of July 25, 1955, requesting the views of this office with respect to H. R. 7536, a bill to amend the Communications Act of 1934, as amended, so as to require that certain vessels carrying passengers for hire be fitted with radiotelephone installations.

In the report which the Federal Communications Commission has submitted to your committee, it recommends that consideration be given to a statutory lower limit on the types of vessels which would be covered by the bill. In this connection, the report points out that existing radio laws and treaties provide such lower limits.

While the Bureau of the Budget endorses the objective of increasing maritime safety and would have no objection to legislation along the lines of H. R. 7536, it recommends that the bill include a statutory lower limit, similar to that in existing law. Such a lower limit should minimize costs and expedite administration, while at the same time substantially meeting the objectives of the bill.

Sincerely yours,

PERCY RAPPAPORT, *Assistant Director.*

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as intro-

duced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

COMMUNICATIONS ACT OF 1934, AS AMENDED

TITLE I—GENERAL PROVISIONS

PURPOSES OF ACT; CREATION OF FEDERAL COMMUNICATIONS COMMISSION

SEC. 1. * * *

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DEFINITIONS

SEC. 3. For the purposes of this Act, unless the context otherwise requires—

(a) * * *

* * * * *

(y) (1) * * *

(2) For the purpose of [part II of title III] *parts II and III of title III*, a "qualified operator" or "operator" on a ship of the United States means a person holding a radio operator's license of the proper class, as prescribed and issued by the Commission.

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TITLE III—PROVISIONS RELATING TO RADIO

PART I—GENERAL PROVISIONS

LICENSE FOR RADIO COMMUNICATION OR TRANSMISSION OF ENERGY

SEC. 301. * * *

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PART III—RADIO INSTALLATIONS ON VESSELS CARRYING PASSENGERS FOR HIRE

SEC. 381. *Except as provided in section 382, it shall be unlawful for any vessel of the United States, transporting any passenger or passengers for hire, to be navigated in the open sea or on any tidewater within the jurisdiction of the United States adjacent or contiguous to the open sea, unless such ship is equipped with an efficient radiotelephone installation in operating condition.*

SEC. 382. *The provisions of this part shall not apply to—*

(1) *vessels which are equipped with a radio installation in accordance with the provisions of part II of title III of this Act, or in accordance with the radio requirements of the Safety Convention; and*

(2) *vessels of the United States belonging to and operated by the Government, except a ship of the United States Maritime Administration, the Inland and Coastwise Waterways Service, or the Panama Railroad Company.*

SEC. 383. *The Commission may exempt from the provisions of this part, any ship or class of ships, if it considers that the route or conditions of the voyage, or other circumstances, are such as to render a radio installation unreasonable, unnecessary, or ineffective, for the purposes of this Act.*

SEC. 384. The Commission shall have authority for any ship subject to this part—

(1) to specify operating and technical conditions and characteristics including frequencies, emissions, power, communication capability and range, of installations required by reason of this part;

(2) to approve the details as to the location and manner of installation of the equipment required by this part or of equipment necessitated by reason of the purposes and requirements of this part;

(3) to approve installations, apparatus and spare parts necessary to comply with the purposes and requirements of this part;

(4) to prescribe such additional equipment as may be determined to be necessary to supplement that specified herein for the proper functioning of the radio installation installed in accordance with this part or for the proper conduct of radio communication in time of emergency or distress.

SEC. 385. The Commission shall make such inspections as may be necessary to insure compliance with the requirements of this part.

SEC. 386. The following forfeitures shall apply to this part in addition to penalties and forfeitures provided by title V of this Act:

(a) Any vessel of the United States that is navigated in violation of the provisions of this part or of the rules and regulations of the Commission made in pursuance thereof shall forfeit to the United States the sum of \$500 recoverable by way of suit or libel. Each day during which such navigation occurs shall constitute a separate offense.

(b) Every willful failure on the part of the master of a vessel of the United States to enforce or to comply with the provisions of this part or the rules and regulations of the Commission made in pursuance thereof shall cause him to forfeit to the United States the sum of \$100.

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TITLE V—PENAL PROVISIONS—FORFEITURES

GENERAL PENALTY

SEC. 501. * * *

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PROVISIONS RELATING TO FORFEITURES

SEC. 504. (a) * * *

(b) The forfeitures imposed by [part II of title III] parts II and III of title III and section 507 of this Act shall be subject to remission or mitigation by the Commission, upon application therefor, under such regulations and methods of ascertaining the facts as may seem to it advisable, and, if suit has been instituted, the Attorney General, upon request of the Commission, shall direct the discontinuance of any prosecution to recover such forfeitures: *Provided, however,* That no forfeiture shall be remitted or mitigated after determination by a court of competent jurisdiction.

